

REMARKS

Applicant has carefully reviewed the Official Action dated August 30, 2006 for the above identified patent application.

In response to the Official Action, the claims have been amended to overcome the formal grounds of rejection, and to more fully define the nature of the invention. More specifically, the independent system claim (Claim 1) now expressly recites that the system includes two or more elongate hangers, and positively recites the rod. Independent Claim 1 also more clearly defines the nature of the curtains mounted to the hangers as being mounted in a manner so as not to be foldable, and to be movable with the elongate hanger along the rod without folding.

The form of independent method Claim 8 has been revised in a manner similar to that of independent system Claim 1. Dependent method Claims 13 and 20 have also been rewritten in independent form.

Claims 5, 14, 15, 21 and 22 have been cancelled, without prejudice. The features of Claims 21 and 22 are now incorporated into Claims 1 and 8, respectively.

At page 2, paragraph 2 of the Official Action, Claims 1 - 7, 13 - 15, and 20 - 21 have been rejected under 35 U.S.C. Section

112, second paragraph, as being indefinite. Applicant respectfully submits that the revisions to the form of the claims made herein, overcome the formal grounds of rejection raised in the Official Action.

At page 3, paragraph 4 of the Official Action, independent system Claim 1 has been rejected as being anticipated by the Schofield '097 patent. At page 3, paragraph 6 of the Official Action, independent system Claim 1 and independent method Claim 8 have been rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of the Tendrich et al '631 patent in view of the Schofield '097 patent.

At page 5 of the Official Action, the Examiner indicates that Claims 13 and 20, which have been rewritten in independent form in the present Amendment, may be given favorable consideration if rewritten to overcome formal grounds of rejection raised in the present Official Action, and to include all features of all preceding claims. No prior art rejections were raised against Claims 13 and 20. Applicant respectfully submits that Claims 13 and 20, as pending in the present Amendment, are in proper form for allowance.

With regard to the rejection of independent system Claim 1 as being anticipated by the Schofield '097 patent, Applicant respectfully submits that the system now defined by independent Claim 1, as amended herein, is not taught (or suggested) by the

Schofield '097 patent. It is axiomatic that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the rejected claim and a single applied prior art reference. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is inappropriate unless a single prior art reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

In the instant case, the Schofield '097 patent discloses a conventional foldable curtain having a plurality of eyelets for split-rings which are mounted in the bar B of twin rings A, A1. Simply stated, the Schofield '097 patent discloses a conventional foldable curtain, and does not teach (or suggest) a system for hanging curtains flatly, as expressly recited in independent Claim 1, as amended herein.

In the Official Action, the Examiner states that the recitation "move... without folding" is a conditional (functional) statement. In response to this objection, the form of independent Claim 1 has been further amended to expressly recite that each single curtain mounted to each elongate hanger is mounted so as not to be foldable so that it is movable with the elongate hanger along the rod without folding.

Applicant further notes that it is well established that functional statements in an apparatus or system claim are entitled to the same consideration as traditional structural limitations. See, for example, In re Hallman, 210 USPQ 609 (CCPA) which held that apparatus or product claims may be drafted to include process steps (functional limitations) to wholly or partially define the claimed product, and to the extent that the process limitations distinguish products over the prior art, they must be given the same consideration as traditional product characteristics. Thus, functional statements such as "move... without folding" in independent system Claim 1 is entitled to full consideration in the patentability determination. As noted, the Schofield '097 patent, which was applied to reject independent Claim 1 as being anticipated, discloses a conventional foldable curtain.

Independent system Claim 1 and independent method Claim 8 have been rejected as being obvious over the Tendrich et al '631 patent in view of the Schofield '097 patent. However, for the reasons discussed above with regard to the anticipation rejection of independent Claim 1, Applicant respectfully submits that the Schofield '097 patent, which discloses a conventional foldable curtain, does not teach (or suggest) the system defined by independent Claim 1 or the method defined by independent Claim 8, when all features of those claims are considered in the patentability determination. With regard to independent system Claim 1, Applicant again notes that the functional limitation

"move... without folding" is entitled to patentable consideration in the patentability determination. Since the Schofield '097 does not teach or suggest this feature of the independent claims, a combination of the Schofield '097 with the Tendrich '631 patent likewise cannot teach (or suggest) the system of independent Claim 1 or the method of independent Claim 8, when all features positively recited in these claims are considered in the patentability determination. Moreover, the Tendrich et al '631 patent, like the Schofield '097 patent, discloses only conventional foldable curtains, such as shower curtains, and does not teach (or suggest) the system or method defined by independent Claims 1 and 8 for hanging curtains flatly in a manner which prevents the curtains from folding as they are moved together with an elongate hanger along a rod.

Applicant also notes that although the Official Action concludes that it would have been obvious to one of ordinary skill in the art to substitute the hangers of the Tendrich et al '631 patent with the hangers of the '097 "to enhance a smoother sliding on the rod, without cramp", this is not the problem to which Applicant's invention is directed. On the contrary, Applicant's invention, as disclosed and claimed, is directed to systems and methods for hanging curtains flatly, which is not the problem to which the applied prior art references are directed.

Applicant respectfully submits that independent Claims 1 and 8 are in condition for allowance. The remaining rejected

dependent claims are believed to be allowable, at least for the same reasons as their respective parent independent claims. Moreover, independent Claims 2 - 3 and 9 - 10 define not only a bracket, but an arrangement of the bracket which permits hooks to slide past the brackets. Additionally, dependent Claims 7 and 16 - 17 have been rejected, in part, based on the Isserstedt '061 patent on the grounds that the patent teaches a curtain suspending means having hangers overlapping each other. However, Applicant submits that the hangers of Isserstedt '061 do not overlap each other, but on the contrary, are coupled together to be positioned side by side on a rod, but they cannot overlap each other.

For the reasons discussed herein, Applicant respectfully submits that all claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is the fee for the single independent claim in excess of three, presented with the present Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', with a stylized flourish at the end.

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